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Attorneys for 21st Century North America Insurance Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

MICHAEL MAZE,)	
)	
Plaintiff,)	
)	United States District Court No.
vs.)	Case No. 3:16-cv-_____
)	
21ST CENTURY NORTH AMERICA)	
INSURANCE COMPANY,)	
)	Superior Court Case No.
Defendants.)	Case No. 3AN-15-11369 CI
_____)	

NOTICE OF REMOVAL

To: Michael Maze
c/o Robert Jurasek, Esq.
Pentlarge Law Group
1400 W Benson Blvd. #550
Anchorage, AK 99503

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendant 21st Century North America Insurance Company ("21st Century"), by and through its attorneys, Guess & Rudd P.C., hereby removes to this court the state court action described below.

Maze v. 21st Century North America Ins. Co., Case No. 3:16-cv-_____
State Court Case No. 3AN-15-11369 CI
Notice of Removal
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1. Introduction

On December 16, 2015, plaintiff Michael Maze (“Maze”) filed a suit against 21st Century in the Superior Court for the Third Judicial District at Anchorage, Alaska, entitled Michael Maze, Plaintiff v. 21st Century North America Insurance Company, Defendant, Case No. 3AN-15-11369 CI (hereinafter “the Complaint”). Maze asserts in his Complaint that he is an individual who resides in the State of Alaska.

The Complaint alleges, among other things, that 21st Century breached its insurance contract with Maze by failing to pay out Maze’s first party medical payments claims following an auto accident on January 16, 2013.¹ Maze requested a judgment against 21st Century in an amount “exceeding \$100,000.00, the exact amount to be set by the trier of fact,” plus attorney’s fees and punitive damages.²

This court has jurisdiction pursuant to 28 U.S.C. § 1446; 21st Century has attached as Exhibit 1 a copy of Maze’s Complaint. This Notice of Removal is filed within the allotted time for removal. 21st Century received the Summons and Complaint on or about January 27, 2016 -- this notice of removal is filed within the 30-day window provided under 28 U.S.C. § 1446(b).³

¹ See Exhibit 1, Complaint ¶¶ 4-12, 19-20.

² Id. at ¶ 24 & p. 4.

³ See Exhibit 1, page 1. See also Pilot Trading Co. v. Hartford Ins. Grp., 946 F. Supp. 834, 839 (D. Nev. 1996) (“Because Defendants filed their Notices of Removal 29 days after actual receipt of process, removal was timely.”)

21st Century has, simultaneously with this filing, also filed its Notice of Removal in the Superior Court of the Third Judicial District at Anchorage.

2. Argument

A. The amount in controversy exceeds \$75,000

The Complaint seeks compensatory damages in an amount in excess of \$75,000. Where a complaint sets forth a specific amount of damages in excess of the jurisdictional amount, then the plaintiff's allegations are controlling.⁴ "The amount in controversy includes the amount of damages in dispute, as well as attorney's fees, if authorized by statute or contract."⁵ Maze's Complaint has specified an amount of damages in excess of \$75,000 -- specifically asking for an amount "exceeding \$100,000.00, the exact amount to be set by the trier of fact," plus attorney's fees and punitive damages. The requisite amount in controversy is satisfied.

B. Complete diversity exists as between Maze and Defendant

There exists complete diversity of citizenship between the parties. Maze, the plaintiff, is a resident of the State of Alaska.⁶ 21st Century, the defendant, is a

⁴ See Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 402 (9th Cir. 1996) ("the sum claimed by the plaintiff controls if the claim is apparently made in good faith") (quoting St. Paul Mercury Indem. Co. v. Red Cab. Co., 303 U.S. 283 (1938)).

⁵ Kroske v. U.S. Bank Corp. 432 F.3d 976, 978 (9th Cir. 2005) citing Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1155-56 (9th Cir.1998).

⁶ See Exhibit 1 at ¶ 1.

corporation organized and existing under the laws of the State of Delaware and is a “person” as defined in 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2. 21st Century’s principal place of business is in Wilmington, Delaware. As such, 21st Century is a citizen of Delaware for diversity purposes.⁷ Consequently, complete diversity exists as between Maze and 21st Century.

3. Conclusion

The substantive requirements for diversity jurisdiction have been fully satisfied. The amount in controversy in this lawsuit exceeds the jurisdictional requirement of \$75,000 exclusive of interest and costs and there is complete diversity of citizenship between Maze and 21st Century. Therefore, 21st Century requests that this court assume full jurisdiction over this lawsuit.

DATED at Anchorage, Alaska, this 24rd day of February, 2016.

GUESS & RUDD P.C.
Attorneys for 21st Century North America
Insurance Company

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⁷ 28 U.S.C. § 1332(c)(1).

CERTIFICATE OF SERVICE

I hereby certify that on the 24rd day of
February, 2016, I mailed a true and correct copy
of the foregoing document to:

Robert Jurasek, Esq.
Pentlarge Law Group
1400 W Benson Blvd. #550
Anchorage, AK 99503

Guess & Rudd P.C.

By: /s Christina A. Rankin
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